

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
DENISE ET AL.)
) Attorney Docket No. MMI0102
Application No. 10/750,622) (14972.105004)
)
Filed: December 31, 2003) Examiner: David C. Thomas
)
For: COMPOSITIONS, METHODS AND SYSTEMS FOR) Art Unit: 1637
INFERRING BOVINE BREED)
)

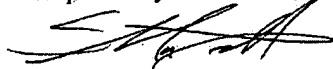
PETITION UNDER 37 CFR 1.313(c)(2) TO WITHDRAW APPLICATION FROM ISSUE

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Sir:

Applicants hereby Petition under 37 C.F.R. 1.313(c)(2) to have the above-identified patent application withdrawn from issuance. The required Petition fee under 37 C.F.R. § 17(h) is enclosed. Applicants request consideration of 1) a Request for Continued Examination filed herewith and 2) an information disclosure statement (IDS) citing references that have come to the attention of Applicants, assignees and/or their agents. Grant of this Petition is respectfully requested.

Respectfully submitted,

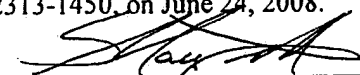


Stephen C. MacDonald, Ph.D.
Reg. No. 60,401

King & Spalding LLP
1180 Peachtree Street
Atlanta, GA 30309-3521
Telephone: 404-572-4600

CERTIFICATE OF MAILING (37 CFR 1.10)

I hereby certify that this correspondence is being deposited with the United States Postal Service via Express Mail (EM 154184469 US) addressed to: Mail Stop PETITION; Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 24, 2008.



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The U.S. Patent and Trademark Office official mailroom stamp affixed hereto acknowledges receipt of the items listed below.

Date Mailed June 24, 2008

Inventor(s): Sue K. DeNise
Serial No. 10/750,622
Filing Date: December 31, 2003
Title: Compositions, Methods and Systems for Inferring Bovine Breed

Papers Submitted: Transmittal Form (1pg), Fee Transmittal (1pg),
Request for Continued Examination (1pg);
Attorney/Agent: Stephen C. MacDonald, Ph.D. Petition to withdraw application from Issue (1pg);
Reg. No. 60,401 Information Disclosure Statement (1pg),
PTO-SB08a (4pgs); 20 references; Credit card
Charge Form PTO-2038 (1pg)

Docket No.:
MMI-0102 (14972.105004)

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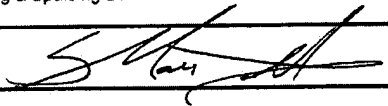
WST 6/25/08

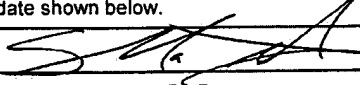
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TRANSMITTAL FORM	Application Number	10/750,622
	Filing Date	December 31, 2003
	First Named Inventor	Sue K. DeNise
	Art Unit	1637
	Examiner Name	David C. Thomas
(to be used for all correspondence after initial filing)		
Total Number of Pages in This Submission	9	Attorney Docket Number MMI-0102 (14972.105004)

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) ____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): Request for Continued Examination
<div style="border: 1px solid black; padding: 5px;"> Remarks </div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	King & Spalding LLP		
Signature			
Printed Name	Stephen C. MacDonald, Ph.D.		
Date	June 24, 2008	Reg. No.	60,401

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Stephen C. MacDonald, Ph.D.	Date	60,401

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		Complete if Known	
<h2 style="margin: 0;">FEE TRANSMITTAL</h2> <h3 style="margin: 0;">for FY 2008</h3>		Application Number	10/750,622
		Filing Date	December 31, 2003
		First Named Inventor	Sue K. DeNise
		Examiner Name	David C. Thomas
		Art Unit	1637
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Attorney Docket No.	MMI-0102 (14972.105004)
TOTAL AMOUNT OF PAYMENT (\$) 535.00			

METHOD OF PAYMENT (check all that apply)

- ☐ Check
 ☒ Credit Card
 ☐ Money Order
 ☐ None
 ☐ Other (please identify) : _____
- ☐ Deposit Account Deposit Account Number: 11-0980 Deposit Account Name: King & Spalding LLP
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
- ☐ Charge fee(s) indicated below
 ☐ Charge fee(s) indicated below, except for the filing fee
- ☒ Charge any additional fee(s) or underpayments of fee(s)
 ☒ Credit any overpayments

Under 37 CFR 1.16 and 1.17
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	
Utility	310	155	510	255	210	105	_____
Design	210	105	100	50	130	65	_____
Plant	210	105	310	155	160	80	_____
Reissue	310	155	510	255	620	310	_____
Provisional	210	105	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description	Small Entity Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	210	105
Multiple dependent claims	370	185
Total Claims	Extra Claims	Fee(\$)
_____ -20 or HP= _____	x _____	= _____
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims	Extra Claims	Fee(\$)
_____ - 3 or HP= _____	x _____	= _____
HP = highest number of independent claims paid for, if greater than 3.		

3. APPLICATION SIZE FEE

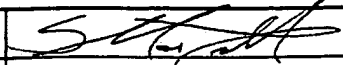
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	_____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)	_____
Other (e.g., late filing surcharge) : RCE (\$405), and Petition fee under 37 CFR 1.17(h) (\$130)	\$535.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	60,401	Telephone	404 572 2715
Name (Print/Type)	Stephen C. MacDonald, Ph.D.		Date	June 24, 2008	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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